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FLOWERS BAKING CO. OF MODESTO, LLC  
and FLOWERS BAKERIES SALES OF  
NORCAL, LLC

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

REX RICAFORT, an individual,  
  
Plaintiff,

v.

FLOWERS BAKING CO. OF MODESTO,  
LLC, a California limited liability company;  
FLOWERS BAKERIES SALES OF  
NORCAL, LLC, a California limited liability  
company; and DOES 1 through 100, inclusive,  
  
Defendants.

Case No. 2:24-cv-02015-KJM-CKD

**JOINT STIPULATION TO AMEND PRE-  
TRIAL CASE SCHEDULE AND ORDER**

Complaint Filed: June 7, 2024  
Trial Date: None Set  
Judge: Hon. Kimberly J. Mueller

1 Plaintiff Rex Ricafort (“Plaintiff”) and Defendants Flowers Baking Co. of Modesto, LLC  
2 and Flowers Bakeries Sales of NorCal, LLC (“Flowers” or “Defendants”) (collectively hereafter  
3 referred to as the “Parties”), by and through their respective attorneys of record, hereby stipulate to,  
4 and respectfully request, a continuance of the deadlines set forth in the Court’s Amended  
5 Scheduling Order, dated April 4, 2025 (*see* ECF No. 15) (the “Existing Schedule”). The Parties  
6 believe such good cause and factual circumstances exist as follows:

7 WHEREAS, under the Existing Schedule, the close of fact discovery is set for June 19,  
8 2026; expert disclosures shall be completed by July 16, 2026; rebuttal expert witnesses shall be  
9 exchanged by August 17, 2026; all expert discovery shall be completed by September 18, 2026;  
10 and all dispositive motions, except for motions for continuances, temporary restraining orders or  
11 other emergency applications, shall be filed by November 20, 2026. (*See id.*)

12 WHEREAS, no pretrial conference or trial date have yet been set.

13 WHEREAS, the Parties have engaged in substantial written discovery, including multiple  
14 sets of Requests for Production, Interrogatories, and Requests for Admission exchanged between  
15 the Parties, and the Parties have provided initial responses to these discovery requests;

16 WHEREAS, the Parties have met and conferred on discovery disputes on multiple  
17 occasions, and Defendants are currently in the process of supplementing and amending their prior  
18 discovery responses and making additional document productions, including the production of  
19 relevant electronically stored information (“ESI”), in response to Plaintiff’s requests;

20 WHEREAS, the process of collecting, reviewing, and producing ESI has been time-  
21 consuming due to technical challenges and the volume of data involved, and these difficulties have  
22 been compounded by the fact that one of Defendants’ two attorneys of record has been on leave of  
23 absence, leaving only one defense attorney to handle this matter until October 2025;

24 WHEREAS, in light of the ongoing document production and pending supplemental  
25 responses, the Parties agree that conducting depositions at this time would be premature and  
26 inefficient. Plaintiff cannot schedule or take meaningful depositions until Defendants complete  
27 document production and provide the amended/supplemental discovery responses, so that  
28 depositions can cover all pertinent documents and information in one sitting without the need for

1 duplicative sessions;

2 WHEREAS, for the foregoing reasons, the Parties believe that good cause exists to extend  
3 the current case deadlines. The Parties therefore respectfully request that the Court grant a  
4 continuance of the remaining pre-trial dates as follows:

5	6	7	8
	Event	Current Date	Proposed Date
7	Close of Fact Discovery	June 19, 2026	November 19, 2026
8	Completion of Expert Disclosures	July 16, 2026	December 16, 2026
9	Exchange of Rebuttal Expert Witnesses	August 17, 2026	January 19, 2027
10	Completion of All Expert Discovery	September 18, 2026	February 17, 2027
11	All Dispositive Motions (except for motions	November 20, 2026	April 20, 2027
12	for continuances, TROs, or other emergency		
13	applications)		

14 WHEREAS, the Parties have previously requested one modification of the Pre-Trial Case  
15 Schedule, which the Court granted on April 4, 2025 (ECF No. 15). That prior extension was sought  
16 in good faith to allow the Parties to avoid incurring additional discovery costs while they attempted  
17 to resolve the case through private mediation. (The Parties participated in a private mediation on  
18 June 27, 2025, but unfortunately, that mediation did not result in a settlement.)

19 WHEREAS, the Parties have acted diligently in pursuing discovery to date, but despite  
20 their diligence, they cannot reasonably complete all necessary fact discovery, expert preparation,  
21 and dispositive motion briefing by the current deadlines, for the reasons described above;

22 WHEREAS, the requested extension of approximately five (5) months will allow the  
23 Parties to complete discovery and prepare any dispositive motions in an efficient, thorough  
24 manner. Because no trial date has been set, the continuance will not delay the trial of this matter or  
25 otherwise interfere with the Court's schedule. This stipulation is made in good faith to facilitate  
26 the full development of the case on the merits and to further the interests of justice, and it is not  
27 sought for purposes of delay, harassment, or any improper purpose.

28 WHEREFORE, for good cause shown under Federal Rule of Civil Procedure 16(b)(4), the

Parties respectfully request that the Court modify the Pre-Trial Case Schedule as set forth above.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

DATED: September 5, 2025

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

By: /s/ Shannon Clawson

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WILFRED N. GUAL

Attorneys for Defendants  
FLOWERS BAKING CO. OF MODESTO, LLC and  
FLOWERS BAKERIES SALES OF NORCAL, LLC

DATED: August 27, 2025

FINLEY EMPLOYMENT LAW

By: /s/ Kyung Finley

KYUNG M. FINLEY

Attorney for Plaintiff  
REX RICAFORT

**ORDER**

**GOOD CAUSE APPEARING**, the Court hereby approves this Stipulation to Amend certain dates in the Court's Pre-Trial Case Schedule as set forth below:

Event	Current Date	Proposed Date
Close of Fact Discovery	June 19, 2026	November 19, 2026
Completion of Expert Disclosures	July 16, 2026	December 16, 2026
Exchange of Rebuttal Expert Witnesses	August 17, 2026	January 19, 2027
Completion of All Expert Discovery	September 18, 2026	February 17, 2027
All Dispositive Motions (except for motions for continuances, TROs, or other emergency applications)	November 20, 2026	April 20, 2027

All other provisions of the Initial Scheduling Order remain in effect.

DATED: September 5, 2025.

  
UNITED STATES DISTRICT JUDGE